IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11708 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HASMUKHBEN MANEKLAL

Versus

GALAJI GOVAJI THAKORE

Appearance:

1. Special Civil Application No. 11708 of 1994

MR JC VYAS for Petitioner No. 1-2

MR GM AMIN for Respondent No. 1

MS DS PANDIT, AGP for Respondent No. 2-4

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 11/09/2002

ORAL JUDGEMENT

1. In the course of hearing of this petition the learned counsels for the petitioners as well as for the respondents have agreed that the matter be remanded back to the Special Secretary, Revenue Department for rehearing the same, since from the record it appears that the present petitioner is an aged widowed lady and she had engaged advocate to represent her in the said proceedings, but unfortunately the said advocate had not remained present and had not defended her interest in the proceedings.

2. In view of the aforesaid understanding arrived at by the learned counsels, it is ordered that the matter may be remanded back to the Special Secretary, Revenue Department, who will after affording adequate opportunity of hearing to both the parties, decide the appeal on or before 30th November, 2002. It is also hoped that parties to the proceedings will cooperate in the hearing and will not seek any adjournment on any ground unless there is some compelling reason for the same. It is also directed that whatever evidence that has come on record will remain as it is. In addition to that, if the parties desire to produce any additional evidence, the same may be allowed to be produced and it may be taken on record. The decision that may thereafter be rendered in accordance with the provisions of law and the facts on record.

In the result, the order at Annexure-E is quashed and set aside. The petition stands allowed in aforesaid terms. Rule made absolute to that extent with no order as to costs.

[Akshay H. Mehta, J.]

* Pansala.